

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

MICHAEL L. MILLER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 2:12-cv-414

Judge Mattice
Magistrate Judge Lee

ORDER

On July 8, 2013, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 13) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that Plaintiff's Motion for Judgment on the Pleadings (Doc. 9) be granted in part to the extent it seeks remand of the Commissioner's decision denying benefits and denied in part to the extent it seeks an award of benefits; Defendant's Motion for Summary Judgment (Doc. 11) be denied; and the Commissioner's decision denying benefits be reversed and remanded pursuant to Sentence Six of 42 U.S.C. § 405(g).

Defendant has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the record and the Report and Recommendation, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's Report and Recommendation (Doc. 13), findings of fact, and conclusions of law. Plaintiff's

¹ Magistrate Judge Lee specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 13 at 20 n.5); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings").

Motion for Judgment on the Pleadings (Doc. 9) is **GRANTED IN PART**, insofar as it seeks remand of Plaintiff's claim, and **DENIED IN PART**, insofar as it moves for an award of benefits. Defendant's Motion for Summary Judgment (Doc. 11) is **DENIED**.

Pursuant to Sentence Six of 42 U.S.C. § 405(g), the Commissioner's decision denying Plaintiff's claim to benefits is hereby **REVERSED** and **REMANDED** for further action consistent with this Order and the Magistrate Judge's Report and Recommendation.

SO ORDERED this 20th day of November, 2013.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE